

Attorney Docket No: 23546-07664  
Client Ref: RTS-0266  
USSN: 09/960,143

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT(S): Brenda F. Baker and Susan M. Freier  
APPLICATION NO.: 09/960,143  
FILING DATE: September 24, 2001  
TITLE: ANTISENSE MODULATION OF INTERLEUKIN-8 EXPRESSION  
EXAMINER: James Schultz  
GROUP ART UNIT: 1635  
ATTY. DKT. NO.: 23546-7664US (RTS-0266)

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted on the date shown below via facsimile to the attention of:  
EXAMINER SCHULTZ at facsimile number 703-872-9306.

Dated: 8/16/04By: Susan T. Hubl

Susan T. Hubl, Ph.D., Reg. No.: 47,668

*Considered  
J.D. Schultz  
8-24-04*

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**DECLARATION OF FACT BY BRENDA F. BAKER AND SUSAN M. FREIER****UNDER 37 C.F.R. § 1.131**

We, Brenda F. Baker and Susan M. Freier, hereby declare the following:

1. We are the co-inventors of the invention described and claimed in U.S. Patent Application Serial No. 09/960,143 (hereinafter "Subject Application"), entitled "Antisense modulation of interleukin-8 expression," filed on September 24, 2001.
2. We invented the invention as described and claimed in the Subject Application in this country at least as early as June 1, 2001, as evidenced by the following.
3. Attached hereto as Exhibit A are two pages of a Screening Report, which was prepared at least as early as June 1, 2001. These pages includes data from testing oligonucleotides for antisense activity targeted to interleukin-8 in T-24 cells. The data include

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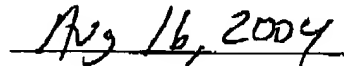
results from testing SEQ ID NO:58 (ISIS NO. 138926, well C02). Treatment of T-24 cells with SEQ ID NO:58 resulted in 75% inhibition of IL-8 expression, e.g., 25% expression of IL-8 was observed after treatment of T-24 cells with SEQ ID NO:58.

4. Accordingly, the invention described and claimed in the Subject Application was conceived and reduced to practice at least as early as June 1, 2001.

5. We hereby declare that all statements made herein to the best of our own knowledge are true and that all statements made on information and belief are believed to be true; that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001; and that such willful statements may jeopardize the validity of the application or any patent issued thereon.



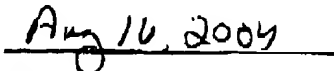
Brenda F. Baker



Date



Susan M. Freier



Date